

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DENNIS A. RHODES, EDWARD H.  
WOLFERD, JR., and GERALD A. BENDER,  
SR., individually and on behalf of all others  
similarly situated,

Plaintiffs

v.

ROSEMARY DIAMOND, FRANCIS S.  
HALLINAN, DANIEL G. SCHMIEG,  
LAWRENCE T. PHELAN, JUDITH T.  
ROMANO, FRANCIS FEDERMAN,  
THOMAS M. FEDERMAN, PHELAN  
HALLINAN & SCHMIEG, LLP and  
FEDERMAN & PHELAN, LLP,

Defendants

Civil Action No. 09-cv-1302-CDJ

CLASS ACTION

**ORDER**

AND NOW, this 9<sup>th</sup> day of January, 2012, the parties having appeared at a case conference on January 4, 2012 to present their views on how this matter should proceed in light of the remand from the Court of Appeals; Plaintiff Wolferd having advised the Court, through his new counsel, of his desire to file an amended motion for leave to amend the complaint with a proposed amended complaint different from the one offered by his previous counsel and consistent with the remand order; Plaintiffs Rhodes and Bender having advised the Court, through counsel, of their consent to being dismissed without prejudice; and Defendants wishing to reserve taking a position on Plaintiff Wolferd's motion until they have had an opportunity to review it, it is ORDERED and DECREED as follows:

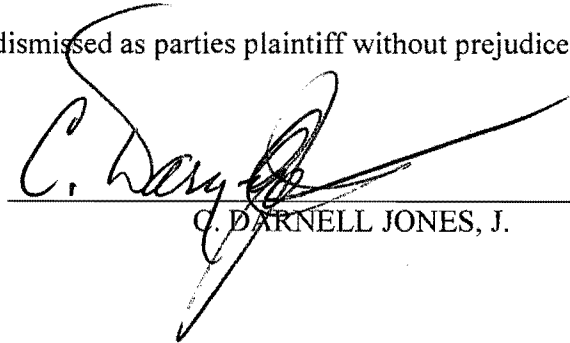
1. Plaintiff Wolferd may file his amended motion for leave to file an amended complaint, with the new proposed amended complaint attached thereto, on or before February 6, 2012.

Should such a motion be filed, the previously filed motion for leave to amend (Doc. 22) shall be deemed withdrawn.

2. No later than February 20, 2012, Defendants shall advise the Court if they oppose the motion. In the event Defendants elect to oppose the motion, they shall file their response to the motion no later than February 27, 2012. Plaintiff may file a reply memorandum no later than March 5, 2012.

3. In the event Defendants elect not to oppose the motion, the Court will enter an order allowing Plaintiff to file the amended complaint and will permit the parties to submit a joint briefing schedule on such other motions the parties wish the Court to consider.

4. Plaintiffs Rhodes and Bender are dismissed as parties plaintiff without prejudice.



C. DARNELL JONES, J.